

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

PARADIGM ENERGY PARTNERS,
LLC,

Plaintiff,

VS.

MARK FOX, in his official capacity as Chairman of the Tribal Business Council of the Mandan, Hidatsa & Arikara Nation; CHIEF NELSON HEART, in his official capacity as Chief of Police for the Mandan, Hidatsa & Arikara Nation,

Defendants.

Case No. 16-cv-00304-DLH-CSM

PARADIGM ENERGY PARTNERS, LLC'S NOTICE OF DISMISSAL

As a result of the arguments at the status conference on November 2, 2016 and because Plaintiff Paradigm Energy Partners, LLC (“Paradigm”) no longer needs the protection of the Order Granting Plaintiff’s Motion for Preliminary Injunction [Dkt. #26] since construction under Lake Sakakawea has been completed, Paradigm dismisses this case pursuant to Rule 41(a)(1)(A)(i). Defendants have not answered the Complaint [Dkt. #1] or filed a motion for summary judgment. Therefore, Paradigm has the absolute right to dismiss the case. *E.g.*, *Safeguard Business Systems, Inc. v. Hoeffel*, 907 F.2d 861, 863-64 (8th Cir. 1990) (“Consistent with our cases, we can inquire no further” than to see if an answer or motion for summary judgment was filed); *Foss v. Federal Intermediate Credit Bank of St. Paul*, 808 F.2d 657, 660 (8th Cir. 1986) (“Rule 41(a)(1)(i) must not be stretched beyond its literal terms”).

Respectfully submitted this 3rd day of November, 2016.

/s/ Anthony J. Shaheen

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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2016 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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